

In memos written when he was in the Reagan administration, Roberts disparaged the notion that there is a constitutional right to privacy that prevents the government from criminalizing contraception, abortion and gay sex.

And then it talks about race:

Roberts has belittled affirmative action as "recruiting of inadequately prepared candidates" and has argued for standards that would make it easier for school districts to evade desegregation orders.

On women's rights, it is also troubling:

Roberts ridiculed the concept that women are subject to workplace discrimination, and he argued for narrowing the government's ability to enforce the ban on gender discrimination in education.

They close by saying:

His record bears close scrutiny and his answers should go a long way toward determining whether he should be confirmed for a lifetime appointment as the Nation's most powerful jurist, deciding issues barely imaginable today and influencing the lives of generations to come.

As I say, this editorial is quite mainstream. It raises legitimate concerns about Judge Roberts. It basically says to the Senate, it is your job to find out how he is going to rule on cases we cannot even envision at this time.

I think that the committee is off to a good start. I received a briefing while I was on a plane today about the Senators' comments on both sides of the aisle. It clearly seems to be a confirmation that both sides are taking extremely seriously.

I say to those friends and colleagues on the other side who are counseling Judge Roberts that he does not have to answer questions, that would be a big mistake. The American people in poll after poll are saying to us, we have a right to know. We want to have answers to very important questions that will shed light on if Judge Roberts is going to make sure this Congress and this Federal Government can protect them; that we can protect the environment; equal rights for women and for minorities; that we have the ability to make life better for the American people; and that we, in fact, will be able to respect the dignity of our people by making sure there is not a "so-called" right to privacy but a fundamental right to privacy that has been articulated by the Court and that we hope Judge Roberts will uphold.

I yield the floor.

THE PRESIDING OFFICER. The Senator from New Hampshire.

BUDGET RECONCILIATION

Mr. GREGG. Mr. President, I rise to speak a little bit about the schedule of the reconciliation bill which this Congress was supposed to actually take up this week. As we all know, reconciliation is one of the key procedures by which the Congress addresses spending, specifically spending in mandatory programs and tax policy. In the budget which we passed about 5 months ago, we included reconciliation instructions

which essentially say to committees within the Senate and within the House that they are to change the entitlement programs they have jurisdiction over in order to slow the rate of growth of a number of those programs or in order to generate revenues from those programs which might not otherwise be coming in in order to reduce the size of the deficit and in order to make the Government more affordable.

This reconciliation proposal which came forward requested approximately \$34 billion in savings on the entitlement side, \$70 billion in tax policy changes. It was to be executed on or preceded with this week with a reconciliation bill on the spending side of the ledger. In consultation with the leadership, who obviously makes the final decisions, and with the House, we have decided to move the date of reconciliation so the Budget Committee will report a reconciliation bill on October 26. This will essentially allow committees, especially the authorizing committees, which are now heavily engaged in the issue of trying to address the catastrophe brought on by Katrina, the opportunity to have time to order their reconciliation changes so they can bring forward effective bills which will accomplish the instructions as proposed.

Some have asked, why go forward with reconciliation at all in light of the Katrina situation? I think it is important to recognize what reconciliation is in relationship to a disaster, a catastrophe of the size of Katrina. Obviously, the impact on the Gulf States has been enormous and we have to do whatever we can to help the people of the Gulf States rebuild and reestablish their lives in some semblance of order and give them some opportunity for hope. And we are doing that as a Congress. The administration is trying to do that and obviously the States and local governments are trying to pursue that activity.

We will get past the Katrina problem. The people of the Gulf States are energetic, enthusiastic, and productive people, as are all Americans, and America has come to their aid as a nation, which we should. Obviously it is going to take time, but this is a one-time event—hopefully never will happen again, and has never happened before—of this magnitude, and we should be able as a nation to manage and correct the situation and give relief to the people of that region and do the reconstruction that is necessary. That is a one-time spending event.

What the reconciliation instructions address are the long-term implications especially of entitlement spending. We know that over the next 10, 20, 30, 40 years we are looking at massive increases in spending on mandatory programs, especially the health programs of the Federal Government, primarily because of the aging of the baby boom generation. As a nation, we need to set policies in place today which will allow us to be able to afford the costs which

this huge generation is going to incur in order to maintain its health and also its retirement.

Reconciliation is a very small step down that road of trying to improve the policy so we can better deliver services to seniors who get Medicaid and other people who get Medicaid—obviously children—and at the same time make it affordable. The reconciliation instructions cover 5 years. In fact, the Medicaid instruction, which has been the most contentious, anticipates no savings in the next year. So clearly it has no impact on the Katrina event, most of which money for that restoration will occur within the next year.

Over the next 5 years, what we proposed is slowing the rate of growth of Medicaid under the reconciliation instructions from 41 percent back to 40 percent. I had hoped we would go from 41 percent to 39 percent. I thought 39 percent was a pretty good rate of growth, but that was not acceptable so we are going to a 40-percent rate of growth over the next 5 years, on a \$1.1 trillion spending program. That is what Medicaid will be over the next 5 years. We are suggesting that we will save \$10 billion—\$34 billion over the whole reconciliation instruction—on a \$1.1 trillion spending program over 5 years, with none of it occurring next year.

How can we do that? We can actually do it by delivering more services to more people. If we give Governors greater flexibility with their Medicaid funds, Governors have told us with more flexibility they can cover more people and do it at lower cost. That is called good management. It does not take a lot of good management to shave 1 percent off the rate of growth, which will be around 40 percent. So it is a very doable event, and we need to proceed with it.

There are other committees that have received reconciliation instructions that actually want those instructions, that want to be able to proceed forward because they see opportunities to improve Government and to generate a better return for taxpayers. One, of course, is the Commerce Committee. Another is the HELP Committee which has reported out an incredibly strong higher education bill where they are basically going to expand rather significantly the dollars available to people who go to college through Pell programs and other programs, under the leadership of Chairman ENZI. That bill has been reported out, has saved about \$7 billion, but has also generated about \$6.5 billion which will go back into student loans. It has done it without impacting student loans but actually expanded student loans by taking action in the area of lenders accounts. Chairman ENZI deserves lot of credit for it and we should proceed with that.

Chairman ENZI also reported out a bill, along with the Finance Committee, to address the pension reform issue. We need to address pension reform. We are not going to be able to do